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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,374	08/14/2001	Elliot Waingold	021604.0108	1018
33438	7590	12/12/2005	EXAMINER	
HAMILTON & TERRILE, LLP			MEINECKE DIAZ, SUSANNA M	
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AUSTIN, TX 78720			3623	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/929,374

Applicant(s)

WAINGOLD, ELLIOT

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/14/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-25 are presented for examination.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-12, 14, 15, 17, 19-22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Brezin et al. (US 2002/0178161).

Brezin discloses a method for selecting a contact path between a member of an organization and a target individual, the method comprising:

[Claim 1] tracking network communications of the members' of the organization (abstract);

analyzing the level of interaction between the members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

selecting a contact path between a selected member of the organization and the target individual, the contact path including one or more members of the organization having at least a predetermined level of interaction with the selected member and the target individual (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 2] modeling the people network of the organization as a directed graph having plural nodes representing members of the organization and the plural edges representing levels of interaction between members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

wherein analyzing the level of interaction comprises analyzing the edges associated with the selected member and the target individual (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 3] wherein each edge comprises one or more weights, each weight representing a level of interaction for one type of network communication (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 4] wherein one weight represents the level of interaction for e-mail communication (¶¶ 33-37, 61-63);

[Claim 6] wherein one weight represents the level of interaction for telephone communication (¶¶ 33-37, 58-60);

[Claim 7] storing one or more areas of expertise for plural members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored); and

identifying an area of expertise desired by the selected member of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored. ¶ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U’s derived relation group”);

wherein the contact path comprises one or more members of the organization that represent a proposed path through the people network for the selected member to contact a member of the organization having the desired expertise (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g.,

based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

[Claim 8] wherein selecting a contact path further comprises selecting plural contact paths, each contact path representing a proposed path through the people network for the selected member to contact a member of the organization having the desired expertise (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

[Claim 9] graphically depicting the plural contact paths as nodes representing members of the organization and edges representing the level of interaction between the members, each node and edge having an appearance that corresponds to the strength of the contact path (Figs. 7A, 7B).

Brezin discloses a system for determining a people network representation of an organization, the system comprising:

[Claim 10] a communications network operable to exchange communications between plural members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

a people network model module interfaced with the communications network and operable to model communications of the communications network (Figs. 7A, 7B; ¶¶ 32-73); and

an interaction level analyzer module interfaced with the people network model module and operable to apply a model of the communications to the level of interaction of the plural members to determine a people network representation (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 11] a graphical user interface operable to depict a visualization of the people network of a selected member of the organization (Figs. 7A, 7B);

[Claim 12] wherein the graphical user interface depicts the selected member's people network representation as plural nodes interfaced with edges, the nodes representing members of the network and the lines representing the level of interaction between the members (Figs. 7A, 7B);

[Claim 14] wherein the people network model module is further operable to model the people network of the organization as a directed graph having plural nodes and edges, the nodes representing members of the organization and the edges representing the level of interaction between nodes (Figs. 7A, 7B);

[Claim 15] a target locator module interfaced with the people network model and the interaction level analyzer modules, the target locator module operable to accept a query from a selected member for members of the organization having a desired expertise and to provide the selected member with one or more target individuals based on the desired expertise and the level of interaction of the selected member with members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U’s derived relation group”).

Brezin discloses a method for determining a target individual having expertise in a subject matter of interest to a selected member of an organization, the method comprising:

[Claim 17] identifying members of the organization having expertise in the subject matter (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);



selecting as target individuals only the identified members having at least a predetermined level of interaction with the selected member (¶¶ 65-73, 76-81, 83-84, 88-90); and

providing the selected member with contact paths to the target individuals (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U’s derived relation group”);

[Claim 19] wherein providing the selected member with contact paths comprises:

modeling a people network of the organization based on communications of members of the organization across a network (Figs. 7A, 7B; ¶¶ 32-73); and

determining the contact paths by analyzing the level of interaction between members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 20] wherein modeling a people network comprises representing the people network as a directed graph having a node for each member of the organization, the nodes interfaced by edges representing levels of interaction (Figs. 7A, 7B);

[Claim 21] wherein the communications network supports plural type of communication and wherein each edge has a set of weights, each type of communication having an associated weight (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 22] wherein the communications comprise e-mail communications (¶¶ 33-37, 61-63);

[Claim 24] wherein the communications comprise phone communications ¶¶ 33-37, 58-60).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brezin et al. (US 2002/0178161), as applied to claims 3, 11, and 19 above.

[Claims 5, 23] As per claims 5 and 23, Brezin discloses the tracking and weighting of interactions involving various forms of communication, including e-mail and phone (abstract), yet Brezin does not expressly teach that one weight may represent the level of interaction for instant messenger communication. However, Official Notice is taken that it is old and well-known in the art of communications that instant message services are commonly used to transmit messages among friends and colleagues. Since Brezin already envisions the tracking of various forms of communication to identify relationships among users, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that one weight may represent the level of interaction for instant messenger

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communication in order to gather a more comprehensive profile of communications among various users in order to glean a more accurate understanding of the relationships among these users.

[Claim 13] Regarding claim 13, Brezin discloses that a distance measurement is calculated to represent the organizational distance between various members of an organization (§ 51). Brezin does not expressly teach the depiction of the selected member's people network representation as a bullseye having the selected member at the center and members of the organization distributed in successive rings representing the level of interaction with the selected member; however, Official Notice is taken that it is old and well-known in the art of graphing to use bullseye-type graphs to represent distance relations among graphed data. Since Brezin's invention analyzes distances among various members of an organization, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that the graphical user interface depicts the selected member's people network representation as a bullseye having the selected member at the center and members of the organization distributed in successive rings representing the level of interaction with the selected member in order to facilitate quicker visual analysis of such distance measurements, which is a common benefit gleaned from graphs (i.e., the ability to perform quicker visual analysis of graphed data).

8. Claims 16, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brezin et al. (US 2002/0178161), as applied to claims 15, 17, and 19 above, in view of Work (US 2002/0059201).

[Claims 16, 18, 25] Brezin does not expressly teach that target individuals are identified using a shortest path determination to prioritize target individuals in order of strongest contact path with the selected member (claim 16), identified based on those having contact paths of less than a predetermined number of intervening members between the target individual and the selected member (claim 18), or identified based on contact paths by performing a strongest path analysis using the people network model to prioritize target individuals (claim 25). Work, however, discloses an internet-based human network brokering system in which searching users can request that the broker find potential targets possessing desired profile criteria within a specific degree of trust (¶¶ 23, 25, 27, 29). By limiting the acceptable target individuals to a lower degree of trust, the broker is effectively selecting target individuals that have contact paths of less than a predetermined number of intervening members between the target individual and the selected member. The target individuals that are only one degree removed from the searcher would have the shortest and strongest path between themselves and the searcher (as opposed to someone who is two or three degrees removed from the searcher). Work's invention provides the benefits of making "it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and

indicators or relationship that are entered by users.” (§ 20) Also, Work states that “being based on rule-created concepts that are defined by data users enter about themselves and about their relationships, i.e., profile and contact information, the present access groups require less administration, that is, less manual assignment of specific people to specific groups.” (§ 20) Since both Brezin and Work are directed toward facilitating the establishment and effective use of social networks, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to modify Brezin such that target individuals are identified using a shortest path determination to prioritize target individuals in order of strongest contact path with the selected member (claim 16), identified based on those having contact paths of less than a predetermined number of intervening members between the target individual and the selected member (claim 18), or identified based on contact paths by performing a strongest path analysis using the people network model to prioritize target individuals (claim 25), as taught by Work, in order to glean the benefits of making “it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users” (as suggested in § 20 of Work) and “requir[ing] less administration, that is, less manual assignment of specific people to specific groups” (also suggested in § 20 of Work).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doherty (US 2003/0055711) -- Discloses an assessment of communication strengths of individuals from electronic messages.

Altschuler et al. (U.S. Patent No. 6,151,585) -- Discloses methods and apparatus for determining or inferring influential rumormongers from resource usage data.

Isaacs et al. (U.S. Patent No. 6,832,245) -- Discloses a system and method for analyzing communications of user messages to rank users and contacts based on message content.

Trevithick et al. (US 2002/0116466) -- Discloses a system and method for characterizing relationships in social networks.

Takacs et al. (WO 01/077793) -- Discloses a system and method for exchanging information over a trusted network of people.

Kautz et al. ("The Hidden Web") -- Discloses an Internet-based system for making referrals within a trusted social network.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

December 8, 2005